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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SUPPLEMENTAL APPEAL BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This brief responds to the attempt to reopen prosecution dated September 16, 2005. The appeal is reinstated.

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(1) Real Party in Interest

The real party in interest is Sony Corp.

(2) Related Appeals/Interferences

An appeal in 09/840,328 has been filed and may be related.

(3) Status of Claims

Claims 6, 11, and 21 have been canceled and Claims 1-5, 7-10, 12-20, and 22-30 are pending and twice rejected. All rejected claims are appealed.

(4) Status of Amendments

No amendments are outstanding.

(5) Concise Explanation of Subject Matter in Each Independent Claim, with Page and Figure Nos.

As an initial matter, it is noted that according to the Patent Office, the concise explanations under this section are for Board convenience, and do not supersede what the claims actually state, 69 Fed. Reg. 155 (August 2004), see page 49976. Accordingly, nothing in this Section should be construed as an estoppel that limits the actual claim language.

Claim 1 recites an Internet packet (IP) mobile wireless communication system that includes a network operation center (NOC) 18 which in turn includes an application component 23, figure 1, page 7, second full paragraph. Plural link terminals 32, figure 1, page 9, lines 2 and 3 communicate with plural client devices

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14, figure 1, page 6, second full paragraph and receive IP packets therefrom in respective sessions. IP packets are associated with information that is unique to the session, figure 2, page 11, lines 7-9. The information includes at least one session name, and each session is associated with a unique shared secret between a client device and a link terminal communicating therewith, *id.*, lines 10-12. The information is useful in providing data from the application component in IP packet format from the NOC to a client device moving relative to the link terminals by providing at least one IP packetized data stream to the client device using a first link terminal and then continuing to provide the data stream to the client device from a second link terminal as the client device moves, figure 3, page 12, first full paragraph. Logic at a local link terminal strips the session name from messages from a client device, page 9, first full paragraph.

The references above are incorporated herein. Claim 10 sets forth a mobile wireless IP- based communication network for providing up to the minute subscription services to client devices. The network includes a network operation center (NOC) and plural base stations 14, figure 1, page 6 communicating with the NOC and in wireless communication with client devices communicating with the network. The NOC provides subscription services in IP format to client devices via base stations in a session. A base station can receive messages, including IP packets and unique session names, from a client device, and the messages are encrypted with a shared secret. The network permits the client device to roam around the network in the midst of the session substantially without interruption thereof. The location of a client device is tracked and subscription services provided thereto based on the location.

The references above are incorporated herein. Claim 18 recites a method for providing subscription services to client devices via a wireless IP network. The method includes sending an IP-packetized data stream to a first link terminal that generates a unique session name. The method also includes providing the

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data stream to a wireless client device in wireless IP communication with the first link terminal, and, as the client device moves away from the first link terminal toward a second link terminal, handing off the data stream from the first link terminal to the second link terminal, such that the data stream is provided to the client device via the second link terminal. The method also includes stripping away the session name at the first or second link terminal from messages received from the client device. The client device is tracked to determine its location, and subscription services are provided to the client device based on its location.

(6) Grounds of Rejection to be Reviewed on Appeal

- (a) Claims 1-5, 8, 9, and 29 have been rejected under 35 U.S.C. §103 as being unpatentable over Laursen (USPN 6,65,120) in view of Ala-Laurila et al. (USPN 6,587,680).
- (b) Claims 7, 10, 12-20, 22-25, and 30 have been rejected as being unpatentable over Laursen and Ala-Laurila et al. and further in view of Bayeh et al. (USPN 6,098,093).
- (c) Claims 26 and 28 have been rejected as being unpatentable over Laursen, Ala-Laurila et al., Bayeh et al., and further in view of Rautila et al. (USPN 6,549,625) and Ladue, USPN 6,070,070.
- (d) Claim 27 has been rejected as being unpatentable over Laursen, Ala-Laurila et al., Bayeh et al., and further in view of Ladue.
- (e) Claim 1 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite.

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(7) **Argument**

As an initial matter, it is noted that according to the Patent Office, a new ground of rejection in an examiner's answer should be "rare", and should be levied only in response to such things as newly presented arguments by Applicant or to address a claim that the examiner previously failed to address, 69 Fed. Reg. 155 (August 2004), see, e.g., pages 49963 and 49980. Furthermore, a new ground of rejection must be approved by the Technology Center Director or designee and in any case must come accompanied with the initials of the conferees of the appeal conference, *id.*, page 49979.

Additionally, it is noted that the SPE signed off on the last Office Action reopening prosecution, by his signature agreeing with the rejections and adopting them as his own. Accordingly, since this brief simply states that the new reference does not say what the SPE alleges it says, it would be inappropriate for him to continue short circuiting the appellate process by authorizing yet another reopening of prosecution.

The issue with Claims 1 and 18 is even simpler than last time around, so Appellant will keep things short. None of the relied-upon portions of the new primary reference say anything about stripping anything from anything, much less stripping a session name from messages *from a client device* (Claim 1, e.g. - "the name of the game is the claim"). Instead, considering the relied-upon portions of Laursen *seriatim*, col. 10, lines 1-4 teach only that the client constructs a session request in part by establishing a session ID - not that it is ever stripped. Col. 10, lines 65-67 teach that the server constructs a proto session for the client in part with a session identifier. Whether this session identifier is the same as the session ID in lines 1-4 is unclear, but in any case is irrelevant to the issue at hand, which is that lines 65-67 nowhere mention stripping away a session ID from anything, much less from messages from the client device. This leaves col. 11, lines 54-57 but like the other citations, sadly for the *prima facie* case this portion of Laursen says nothing about

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removing, stripping, or otherwise separating anything from any other thing, much less does it teach what is claimed. Instead, it merely teaches that after successful authentication, the server constructs a session reply message that has a session ID that for all Laursen teaches might be the same as or different from the original session ID. But note that *no* session ID is ever removed from its message, much less is the session ID in the session request from the client ever removed from the session request message as independent Claims 1 and 18 and dependent Claim 15 otherwise would require.

(b) Turning to the rather frantic rejection of Claim 10 (four disparate references are proposed to be tossed together), the continued allegation that Rautila et al., col. 2, lines 13-18 teaches location-based services continues to be wrong because it ignores the fact that Claim 10 is not merely reciting "location dependent services" but services that are dependent on a particularly recited location, namely, that of the mobile device. The details matter, and in Rautila et al. a position transceiver is located at a base station and transmits its position to a mobile device, which then retransmits the location of the position transceiver, not its own location, to access services. Thus, unlike Claim 10, the position transmitted by the mobile device in the cited reference is not its own position, but rather that of the position transceiver. The mistake being made in the rejection is that it reads limitations out of Claim 10, namely, "tracking" the location of the mobile device (something never done in the relied-upon sections of Rautila et al.) and then using the location of the mobile device, not some other location such as that of a position transceiver, to access services.

(c, d) The defects of the rejections of the independent claims noted above carry over into rejections under this section, rendering the respective claims patentable.

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(e) Claim 1 is clear as written. It recites plural link terminals communicating with plural client devices. The subsequent recitation of logic at a local link terminal for stripping the session name from messages from a client device thus plainly refers to a link terminal that communicates with the client device - as previously recited in Claim 1. Otherwise, it couldn't receive the message to strip the name, could it?

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

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APPENDIX A - APPEALED CLAIMS

1. An Internet packet (IP) mobile wireless communication system, comprising:
at least one network operation center (NOC) including at least one application component;
plural link terminals communicating with plural client devices and receiving IP packets therefrom in respective sessions, at least some IP packets being associated with information, the information being unique to the session, the information including at least one session name, each session being associated with a unique shared secret between a client device and a link terminal communicating therewith, the information being useful in providing data from the application component in IP packet format from the NOC to a client device moving relative to the link terminals by providing at least one IP packetized data stream to the client device using a first link terminal and then continuing to provide the data stream to the client device from a second link terminal as the client device moves; and
logic at a local link terminal for stripping the session name from messages from a client device.
2. The system of Claim 1, further comprising a respective data center incorporating each link terminal.
3. The system of Claim 2, further comprising logic at at least one local link terminal for generating the shared secret.
4. The system of Claim 3, wherein the session name is generated by the local link terminal.
5. The system of Claim 2, further comprising a respective base station associated with each data center.
7. The system of Claim 1, wherein a location of at least one client device is tracked and subscription services provided thereto based at least partially on the location.
8. The system of Claim 1, wherein each client device includes a directional antenna and an IP transceiver electrically coupled to the antenna for communicating with at least one link terminal.
9. The system of Claim 1, wherein the system has a data transmission rate between a client device and a link terminal in excess of one megabyte per second.
10. A mobile wireless IP-based communication network for providing up to the minute subscription services to client devices, comprising:
at least one network operation center (NOC); and
plural base stations communicating with the NOC and in wireless communication with client devices communicating with the network, the NOC providing at least one subscription service in IP

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format to at least one client device via at least one base station in at least one session, the base station receiving messages including IP packets and at least one unique session name from at least one client device, the messages being encrypted with a shared secret, the network permitting the client device to roam around the network in the midst of the session substantially without interruption thereof, wherein a location of at least one client device is tracked and subscription services provided thereto based at least partially on the location.

12. The network of Claim 10, wherein the network has a data transmission rate between a client device and a base station in excess of one megabyte per second.

13. The network of Claim 10, wherein each base station is associated with a respective data center incorporating a respective link terminal, the link terminals communicating with the client devices and receiving IP packets therefrom in respective sessions, such that at least one IP packetized data stream can be provided to a client device using a first link terminal and then provision of the data stream to the client device can be undertaken from a second link terminal as the client device moves.

14. The network of Claim 13, wherein the session names and shared secrets are generated by the link terminals.

15. The network of Claim 13, wherein a link terminal strips the session name from messages from a client device.

16. The network of Claim 10, wherein a location of at least one client device is tracked and subscription services provided thereto based at least partially on the location.

17. The network of Claim 10, wherein each client device includes a directional antenna and an IP transceiver electrically coupled to the antenna for communicating with at least one base station.

18. A method for providing subscription services to client devices via a wireless IP network, comprising:

 sending at least one IP-packetized data stream to at least a first link terminal generating a unique session name;

 providing the data stream to at least one wireless client device in wireless IP communication with the first link terminal;

 as the client device moves away from the first link terminal toward a second link terminal, handing off the data stream from the first link terminal to the second link terminal, such that the data stream is provided to the client device via the second link terminal;

 stripping away the session name at the first or second link terminal from messages received from the client device;

 tracking the client device to determine a location of the client device; and
 providing subscription services to the client device based at least in part on the location.

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19. The method of Claim 18, wherein the data stream is associated with a session and the method includes associating the session with [a] the unique session name generated by the first link terminal.

20. The method of Claim 19, further comprising encrypting at least portions of the session using a unique session shared secret generated by the first link terminal.

22. The method of Claim 18, further comprising providing the data stream at a transfer rate of in excess of one megabyte per second.

23. The method of Claim 18, wherein the data stream is at least one subscription service.

24. The method of Claim 23, wherein the service contains information tailored to the location of the client device.

25. The method of Claim 20, wherein the session name and shared secret are sent to the client device and stored thereat.

26. The method of Claim 18, further comprising generating accounting data associated with the client device based on a number of IP packets provided thereto, or a time period the client device communicated with the link terminals, or both.

27. The system of Claim 1, further comprising generating accounting data associated with the client device based on a number of IP packets provided thereto, or a time period the client device communicated with the system, or both.

28. The network of Claim 10, further comprising generating accounting data associated with the client device based on a number of IP packets provided thereto, or a time period the client device communicated with the network, or both.

29. The system of Claim 4, wherein the session name and shared secret are sent to the client device and stored thereat.

30. The network of Claim 10, wherein the session name and shared secret are sent to the client device and stored thereat.

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APPENDIX B - EVIDENCE

None (this sheet made necessary by 69 Fed. Reg. 155 (August 2004), page 49978.)

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APPENDIX C - RELATED PROCEEDINGS

None (this sheet made necessary by 69 Fed. Reg. 155 (August 2004), page 49978.)

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